

CEDRIC MCILWAIN,)
)
 Plaintiff,)
)
 vs.) **ORDER**
)
 NICHOLAS HENSLEY, et al.,)
)
 Defendants.)
)

With regards to the Motion to Dismiss, the Court advises the *pro se* Plaintiff in accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), that he has a right to respond to the Defendants' Motion to Dismiss.¹ The Court also advises Plaintiff that failure to respond may result in Defendants being granted the relief Defendants seek.

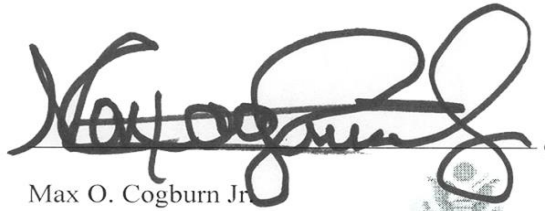
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IT IS, THEREFORE, ORDERED that:

1. The Defendants' Motion to Deem Waiver of Service of Summons Timely Filed [Doc. 15] is **GRANTED IN PART AND DENIED IN PART** as discussed in this Order.
2. The Clerk is instructed to docket the Service Waivers [Doc. 15 at 5-7] as a separate docket entry.
3. The Plaintiff shall respond to the pending Motion to Dismiss within **thirty (30) days** of entry of this Order. Failure to file a timely response will likely lead to the granting of relief that Defendants seek.

IT IS SO ORDERED.

Signed: June 17, 2024



Max O. Cogburn Jr.
United States District Judge

be advised of his right to file counter-affidavits or other responsive material and alerted to the fact that his failure to so respond might result in the entry of summary judgment against him.”); see also Norman v. Taylor, 25 F.3d 1259, 1261 (4th Cir. 1994) (“In Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), this circuit held that *pro se* plaintiffs must be advised that their failure to file responsive material when a defendant moves for summary judgment may well result in entry of summary judgment against them.”), *abrogated on other grounds by Wilkins v. Gaddy*, 559 U.S. 34 (2010). Nevertheless, courts routinely issue Roseboro notices for motions to dismiss, and the Court does so here.